

REMARKS

This is a full and timely response to the non-final Official Action mailed **January 4, 2005**. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

By the forgoing amendment, the specification and claim 1 has been amended. No claims are added or cancelled. Thus, claims 1-28 are currently pending for the Examiner's consideration.

The outstanding Office Action held Applicant's declaration as defective for not including the application number and filing date. Applicant respectfully traverses this holding that the declaration was defective.

37 CFR 1.63 does not require that a declaration specify the application number and filing date of the application. Rather, 37 CFR 1.63 merely requires that the declaration “[i]dentify the application to which it is directed.” Where, as here, the declaration is filed with the application, the application serial number is not then available, but the declaration clearly identifies the application to which it is directed, i.e., the application “attached hereto.” Consequently, Applicant's declaration is in compliance with the applicable rules and is not defective. Notice to this effect is respectfully requested.

Next, the Office Action objected to the drawings due to a minor informality in Fig. 3. Consequently, a proposed change to Fig. 3 and a replacement drawing sheet have been filed herewith. Approval of the change and a withdrawal of the objection to Fig. 3 are respectfully requested.

IN THE DRAWINGS:

With regard to Fig. 3, Applicant proposes to amend Fig. 3 so change the second instance of "300," referring to the power line shown in Fig. 3, to "301." A replacement copy of Fig. 3 with change is filed herewith. Approval for the drawing change is respectfully requested.

The Office Action also objected to a number of minor informalities in the specification. These have all been corrected above, and a withdrawal of the objection to the specification is respectfully requested.

With regard to the prior art, the Office Action rejected claims 1, 2, 12, 13, 23-27 and 29 as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,389,010 to Kubler et al. (“Kubler”). For at least the following reasons, this rejection is respectfully traversed.

Claim 1 recites:

A wireless access point for use in a local area network for transmitting data among networked devices, the wireless access point comprising:
a wireless transceiver for wireless receiving and transmitting a data signal among said networked devices; and
a controller for controlling said transceiver to receive and transmit said data signal among networked devices within range of said transceiver so as to wirelessly relay said data signal among said networked devices in accordance with a designated recipient device of said data signal specified by said data signal.
(emphasis added).

Similarly, claim 12 recites:

A method of extending a local area network with one or more wireless access points each comprising a wireless transceiver for wirelessly receiving and transmitting a data signal among networked devices, the method comprising controlling said transceiver to receive and transmit said data signal among networked devices within range of said transceiver so as to wirelessly relay said data signal among said networked devices in accordance with a designated recipient device of said data signal.
(emphasis added).

Similarly, claim 23 recites:

A wireless access point for use in a local area network for transmitting data among networked devices, the wireless access point comprising:
transceiver means for wireless receiving and transmitting a data signal among said networked devices; and
controller means for controlling said transceiver means to receive and transmit said data signal among networked devices within range of said transceiver means so

as to wirelessly relay said data signal among said networked devices in accordance with a designated recipient device of said data signal.
(emphasis added).

In contrast, the system taught by Kubler does not teach or suggest a controller that relays a data signal “in accordance with a designated recipient device … specified by said data signal” or a method that wirelessly relays a data signal in accordance with a designated recipient device. In the portion of Kubler cited by the Office Action in this regard, Kubler merely teaches relaying an image signal wirelessly among various devices without the signal being addressed to any particular designated recipient device as claimed. (See, Kubler, col. 75, lines 12-16).

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, for at least this reason, the rejection of claims 1, 12 and 23 and their dependent claims based on Kubler should be reconsidered and withdrawn.

Claim 24 recites:

A system including a wireless data local-area-network that supports wireless portable devices, the system comprising:

a plurality of wireless access points in said network which receive wireless transmissions from said portable devices;
a processor for determining a location of a portable device based on transmissions received by any of said plurality of access points from said portable device, wherein said processor may be in said wireless portable device or may be in an access point or other networked device;

wherein a functionality of said portable device is controlled in response to said determined location.

(emphasis added).

Similarly, claim 29 recites:

A method of controlling a wireless portable device which is part of a wireless data local-area-network that supports wireless portable devices, said network further comprising a plurality of wireless access points which receive wireless transmissions from said portable device, and a device, which is incorporated into said portable device or into said network, for determining a location of said portable device based on transmissions received by any of said plurality of access points from said portable device, the method comprising controlling a functionality of said portable device in response to said determined location.

(emphasis added).

In contrast, Kubler does not teach or suggest that the functionality of a portable device depends on, or is controlled in response to, its location. In this regard, the recent Office Action cites a portion of Kubler which states that the Kubler system maintains “current information regarding the general location of mobile devices within the network.” (Kubler, col. 29, lines 42-48). However, Kubler does not teach that the functionality of the device is controlled in response to its location or that the location of the device has any effect on its functionality. Nor does the Office Action indicate how or where Kubler teaches such subject matter as claimed.

Again, “[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, for at least this reason, the rejection of claim 24 and its dependent claims and claim 29 based on Kubler should be reconsidered and withdrawn.

Claims 3-7, 11, 14-18 and 22 were rejected under 35 U.S.C. § 103(a) over the teachings of Kubler taken alone. In response, Applicant believes that these dependent claims

are patentable over Kubler for at least the reasons given above with respect to claims 1 and 12, from which these claims depend.

Additionally, claim 4 recites that “said power connector is a pair of prongs for connection to a wall outlet as said power supply.” The Office Action concedes that the prior art does not teach this feature, but takes Official Notice that prongs are well-known for connecting appliances to a power source. However, Applicant contends that such a power connection has never been applied to a wireless access point as claimed and requests that prior art be cited in support of the rejection of claim 4 or the rejection withdrawn.

“The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being “well-known” in the art. In re Ahlert, 424 F. 2d 1088, 165 USPQ 418, 420 (CCPA 1970). . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.” M.P.E.P § 2144.03.

Claim 5 recites that “said power connector is a threaded connector for connection to a light bulb socket as said power supply.” The Office Action concedes that the prior art does not teach this feature, but takes Official Notice that the power connector could be a threaded connector. However, Applicant contends that such a power connection has never been applied to a wireless access point as claimed and requests that prior art be cited in support of the rejection of claim 5 or the rejection withdrawn.

Claims 8, 9, 19 and 20 were rejected under 35 U.S.C. § 103(a) over the teachings of Kubler and U.S. Patent No. 5,072,370 to Durdik (“Durdik”). In response, Applicant believes

that these dependent claims are patentable over Kubler and Durdik for at least the reasons given above with respect to claims 1 and 12, from which these claims depend.

Claims 10 and 21 20 were rejected under 35 U.S.C. § 103(a) over the teachings of Kubler and U.S. Patent No. 6,154,772 to Bryan (“Bryan”). In response, Applicant believes that these dependent claims are patentable over Kubler and Bryan for at least the reasons given above with respect to claims 1 and 12, from which these claims depend.

Claim 28 was rejected under 35 U.S.C. § 103(a) over the teachings of Kubler and U.S. Patent No. 5,946,617 to Portaro (“Portaro”). For at least the following reasons, this rejection is respectfully traversed.

First, Applicant believes that claim 28 is patentable over Kubler and Portaro for at least the reasons given above with respect to claims 24, from which claim 28 depends.

Moreover, claim 28 recites that “said portable device is a personal digital assistant which provides different features or information according to said determined location.” (emphasis added). In contrast, the combination of Kubler and Portaro does not teach or suggest a PDA that provides different features or information according to its determined location. Moreover, the Office Action does not indicate how or where such subject matter is taught by the prior art.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least these reasons, the rejection of claim 28 should be reconsidered and withdrawn.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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DATE: 4 April 2005

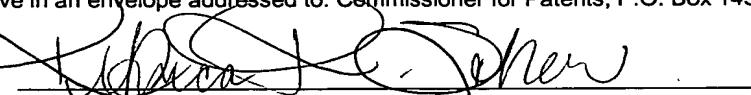
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CERTIFICATE OF MAILING

DATE OF DEPOSIT: April 4, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Rebecca R. Schow